



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

[www.berlinmd.gov](http://www.berlinmd.gov)



## Mayor

Wm. Gee Williams, III

## Vice President

Elroy Brittingham, Sr.

## Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

## BERLIN, MARYLAND

## MAYOR AND COUNCIL MEETING

## Town Attorney

David Gaskill

**MONDAY, AUGUST 22, 2011**

## Town Administrator

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL**

**10 WILLIAM STREET**

**BERLIN, MD 21811**

TOUR OF WASTEWATER TREATMENT PLANT .....6:00 PM

REGULAR SESSION .....7:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144*

*TTY users dial 7-1-1 in the State of Maryland*

*TTY users outside Maryland dial 1-800-735-2258*

**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING  
AGENDA  
Monday, August 22, 2011**

**6:00 PM      TOUR AT WASTEWATER TREATMENT PLANT**

**7:00 PM      REGULAR SESSION – Berlin Town Hall Council Chambers**

1.    Approval of the Minutes for:  
     Executive Session of the Mayor and Council on August 8, 2011  
     Statement of Closure for Mayor and Council on August 8, 2011  
     Regular Session of the Mayor and Council on August 8, 2011  
     Worksession Minutes of the Mayor and Council on August 15, 2011
2.    Motion to Approve – Mileage Reimbursement Rate per IRS
3.    Introduction – Ordinance 2011-06  
     An ordinance amending Chapter 39, Business Licenses  
     Public hearing to be held September 12, 2011
4.    Application for Rental License
5.    Introduction – Ordinance 2011-07  
     An ordinance amending Chapter 99, Vehicles  
     Public hearing to be held September 12, 2011
6.    Code enforcement options – Lawn Maintenance
7.    Departmental Reports
  - a. Finance – Lynn Musgrave
  - b. Deputy Town Administrator – Mary Bohlen
  - c. Public Works – Mike Gibbons
  - d. Water Resources – Jane Kreiter
  - e. Electric – Tim Lawrence
  - f. Police – Arnold Downing
  - g. Planning and Zoning – Chuck Ward
  - h. Human Resources – Jeff Fleetwood
  - i. Economic and Community Development – Michael Day
8.    Town Administrator's Report
9.    Comments from the Mayor
10.   Comments from the Council
11.   Comments from the Public
12.   Comments from the Press
13.   Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday, August 8, 2011

The meeting of the Mayor and Council for Monday, August 8, 2011 was called to order by Mayor Williams at approximately 7:08 p.m. Council members Lynch, Purnell, Hall and Burrell were present, as well as Town Administrator Tony Carson, Electric Utility Director Tim Lawrence, Administrative Assistant Sharon Timmons, Human Resources Director Jeff Fleetwood, Economic and Community Development Director Michael Day, Finance Director Lynn Musgrave, Public Works Director Mike Gibbons, Police Chief Arnold Downing, Town Attorney David Gaskill, Planning and Zoning Director Chuck Ward and Water Resources Director Jane Kreiter. Deputy Town Administrator Mary Bohlen and Councilmember Brittingham were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Executive Session minutes of July 25, 2011. Councilmembers Burrell and Lynch stated that they were not absent at the start of the meeting as the minutes indicated and that Councilmember Brittingham was late. Councilmember Burrell made a motion to approve the minutes with the corrections and the council voted to approve 4-0 with 1 absent. Mayor Williams stated that the Executive Session was closed to discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal before a contract is awarded or bids are opened. Mayor Williams asked for a motion to approve the Regular Session Minutes of July 25, 2011. Councilmember Lynch made a motion to approve the minutes and the council voted to approve 4-0 with 1 absent.

Mr. Curtis Mercer and Mr. Marvin Smith from Calvary Pentecostal Church came before the council asking approval for the event known as Praise in the Park. This event will be held at Stephen Decatur Park on Saturday, October 1, 2011 from 8:30 a.m. to 7:30 p.m. Mr. Mercer stated that the event would provide free food and drink, singing and health awareness stations. Councilmember Burrell made a motion to approve the event and council voted to approve 4-0 with 1 absent.

The Public Hearing for Ordinance 2011-05 was announced. This ordinance enacts the sale of a 1999 Dodge Grand Voyages Minivan by means of listing on the on-line public auction site Gov Deals. Mayor Williams opened the Public Hearing and asked if there were any comments from the County or State. There being none, Mayor Williams asked for comments from the public. There being none, Mayor Williams closed the Public Hearing and asked for a motion. Councilmember Purnell made a motion to approve Ordinance 2011-05 and council voted to approve 4-0 with 1 absent. Town Attorney Gaskill stated that all surplus requests in the future would be made in the form of a Resolution.

Councilmember Purnell recused himself and left the room for the discussion regarding the Public Works Agreement for Windy Way Farms, Inc. Town Administrator Tony Carson explained that the document was necessary to ensure that the Town has the funds available when submittals and reviews are done by the Town's engineer and that the responsibilities of the Town and the contractor are clearly communicated. Councilmember Hall questioned why there was no date at the top of the document and Mr. Carson stated that the date would be contingent on passage. Councilmember Lynch inquired if the Water and Sewer Allocation Agreement could be passed at the same time. Town Attorney Gaskill stated that a separate motion would need to be made for the Allocation Agreement. Councilmember Burrell made a motion to approve the Public Works Agreement for Windy Way Farms and council voted to approve 3-0 with Councilmember Purnell abstaining and Councilmember Brittingham absent.

Councilmember Purnell also recused himself for the discussion regarding the Water and Sewer Allocation Agreement for Purnell Crossing South. The parcel has a grandfathered EDU assigned to it, but has never had a formal Allocation Agreement before. Mr. Purnell will begin paying the Ready to Serve fees now, but will be required to pay for the EDU once he builds on the parcel. Councilmember Lynch made a

motion to approve the Allocation Agreement for parcel 0300-1221 and council approved 3-0 with Councilmember Purnell abstaining and Councilmember Brittingham absent.

Mayor Williams introduced Resolution 2011-07, a resolution to issue and sell general obligation installment bonds in the aggregate principal amount of \$2,462,000.00 for the project known as the Effluent Storage and Irrigation System. Town Attorney Gaskill read the summary. Town Administrator Tony Carson explained the funding breakdown of 3.5 million from USDA which is comprised of a loan of \$2,462,000.00 for 40 years at 2.5% with the first 2 years interest only, a grant for \$1,037,350.00 and the Town's contribution of \$650.00. Councilmember Purnell made a motion to approve Resolution 2011-07 and council voted to approve 4-0 with 1 absent.

Departmental reports began with Water Resources Director Jane Kreiter reporting that construction was winding down at the Wastewater Treatment Plant and that bids would be going out soon on the second site. She stated that the tour for the plant would be on Monday, August 22<sup>nd</sup> at 6:00 pm. Mayor Williams stated that the tour was open to the public as well.

Electric Utility Director Tim Lawrence reported that a solution had been resolved regarding the reclosure problems at the Substation, that the generators were working with no major problems and that the Town had hit all the peaks for generation.

Police Chief Arnold Downing reported on a successful National Night out and thanked all the organizations and persons involved.

Planning and Zoning Director Chuck Ward reported that construction building permits were being issued for the Cottages project and thanked Carolyn Duffy for all her assistance while he was out.

Human Resources Director Jeff Fleetwood stated that the Mayor and Council should have received the revised Personnel Policy with newly dated pages in their packets.

Economic and Community Development Director Michael Day reported on the events associated with the Peach Festival and the Little League Parade and explained the differences between Sustainable Maryland and Sustainable Communities.

Town Administrator Tony Carson requested approval of 7 purchase orders (201200279, 201200304, 201200383, 201200262, 201200384, 201200403 and 201200401). Councilmember Burrell made a motion to approve all 7 purchase orders and council voted to approve 4-0 with 1 absent.

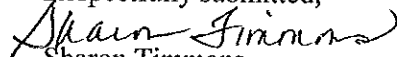
Mayor Williams expressed his thanks for the outpouring of kindnesses shown to him and his family at the passing of his mother.

Mayor Williams asked for questions from the council. Councilmember Hall expressed her concerns from residents regarding the spraying for mosquitos.

Mayor Williams asked for comments from the public. Resident John Holter from Quail Run expressed his concern to Chief Downing about children wandering the complex at 4 a.m.

Mayor Williams asked for questions from the press, there being none, Councilmember Lynch made a motion to adjourn and the meeting ended at 7:40 p.m.

Respectfully submitted,

  
Sharon Timmons  
Administrative Assistant

BERLIN MAYOR AND COUNCIL  
PROPERTY MAINTENANCE/RENTAL INSPECTION PROGRAM  
WORKSESSION MINUTES  
AUGUST 15, 2011

The Property Maintenance/Rental Inspection Program Work session of the Berlin Mayor and Council was called to order by Mayor Williams at 6:05 p.m. In attendance were Councilmembers Elroy Brittingham, Dean Burrell, Paula Lynch, Lisa Hall and Troy Purnell. Also in attendance were Town Administrator Tony Carson, Planning and Zoning Director Chuck Ward, Town Attorney David Gaskill and Administrative Assistant Sharon Timmons. Mark Tilghman, Attorney for the Planning and Zoning Commission was absent.

The purpose of the Work session was to discuss property maintenance and rental issues. Mayor Williams asked Planning and Zoning Director Chuck Ward to explain draft Ordinance 2011-06. Mr. Ward stated that the intent was to provide more teeth in the enforcement of the code regarding negligent property owners whom are renting properties in the town limits. Mr. Ward stated that a rental licensing program would provide incentives to the property owners to maintain their properties to the current code or risk having their license revoked which would not allow them to rent to tenants. Discussion continued regarding registration of properties. Councilmember Hall recommended that the Ordinance be revised to state that each property be required to have a rental license. Currently the rental license fee is \$10.00 per unit. Discussion continued regarding the inspection rights of the Town. Mr. Gaskill stated that a condition of receiving a license would be to allow the Town to inspect the property.

Town Attorney David Gaskill recommended that Section E-1, Inspections, be revised to omit "upon recommendation by a Federal, State, County or Town agency" from the paragraph. Mr. Gaskill stated that Mr. Mark Tilghman had suggested clarification in Paragraph C that the Town was not dealing with corporations or LLC's, but with the principles or individuals who own the corporations and that the license should be in the name of that person or persons. Discussion followed. Town Administrator Tony Carson recommended that the application include a section which contains a contact name and specifies in what capacity they are signing and who they are representing. Mr. Gaskill recommended that in each lease there should also be a condition that the tenant consents to an inspection as well. Discussion continued. Mr. Gaskill also recommended that a clause be inserted into the application that refusal by the tenant or owner to enter the premise for inspection may allow for revocation of the license. Discussion continued. Mr. Ward recommended that the language in Section E-1, Inspections, be revised to omit "exists the belief" and insert "where there is evidence".

Councilmember Hall inquired if the Town would be able to address the issues of driveways and parking. Discussion continued. Town resident Danny Moore asked what the Town could do if the property owner refuses to maintain their driveway or lawn. Discussion continued.

Mr. Ward stated that the draft ordinance does not differentiate between the interior or exterior of properties regarding inspections and licensing. The proposed ordinance would secure the building official's right to enter either the interior or exterior of the property. Discussion continued regarding steps taken once a license is revoked. Cam Bunting inquired if the registration would be amended to a single license and Mr. Ward stated that it would with consensus of the Mayor and Council. The council agreed in consensus to change to a single license per rental unit.

Discussion began on the issue of inoperable vehicles. Mr. Carson inquired if Mr. Ward and/or Council could amend the maintenance language of the code to include towing for inoperable vehicles. Mr. Ward stated that the Town could amend the International Building Code to allow for towing of a vehicle that is not in compliance or add the word "inoperable" to Chapter 99 of the Town Code which would allow towing rather than fining. Council agreed to amend Chapter 99 of the Code to insert the word "inoperable" regarding vehicles.

Mr. Gaskill recommended that Section E-2, Inspections, be amended to read "If an inspection indicates that a rental housing unit is not in compliance with all applicable regulations and codes, the rental license pertaining for that particular unit may be subject to revocation". Discussion continued.

Mayor Williams stated that the revised Ordinance will be introduced at the council meeting to be held on August 22<sup>nd</sup> with the public hearing to be held on September 12<sup>th</sup>. He asked the council to recommend to him persons to serve on the Housing Board of Review. Those persons must be a resident of the town. If a rental property owner is appointed, that person may have to step down if the issue affected them personally.

Councilmember Purnell asked Mr. Ward if the time limit or height allowed for grass cutting should be shortened. The International Maintenance code currently states 10 inches, but the Mayor and Council can amend. Mayor Williams asked Mr. Ward to come back to the council with options regarding lawn maintenance. The options should show current standards, a more stringent standard and then the most stringent standard. Councilmember Burrell asked to have a shortened time limit after the initial notice is implemented.

Councilmember Lynch inquired about Section D, Registration. Discussion followed. Consensus of council was to remove the word "owned by the licensee".

Discussion continued regarding charges to property owners for grass cutting. Mr. Carson explained.

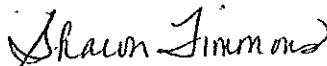
Mayor Williams asked Mr. Ward if there was any way to incorporate the new rental licensing prior to July 1<sup>st</sup> of next year and if so to incorporate it into the revised Ordinance. Mr. Gaskill stated that once the ordinance is signed, it goes into effect immediately. Mayor Williams asked Mr. Ward to have the new rental application ready to present along with the revised Ordinance 2011-06.

Councilmember Lynch inquired when discussion would occur on vacant and boarded up houses. Council decided to discuss this matter at the next worksession to be held on Monday, August 29<sup>th</sup> at 6:00 p.m.

Tony Russo from the Bayside Gazette inquired if a new fee had to be paid this year for the new rental license if the business license had already been paid. Council stated no, but next year the business license and the rental license would be two separate items with two separate charges.

Mayor Williams closed the Worksession at 7:40 p.m.

Respectfully submitted,

  
Sharon Timmons  
Administrative Assistant

## ORDINANCE 2011-06

### AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 39, BUSINESS LICENSES,

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Town to ensure adequate rental housing standards be upheld, and

WHEREAS, the Mayor and Council find that the Town has a responsibility to those residing in rental properties that certain standards be required of the owners of rental properties,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 39 be amended as follows:

#### § 39-11. Rental Housing Licensing

**A. Purpose.** The purpose of this section is to assure compliance with all laws, ordinances and regulations applicable to rental housing units within the corporate limits of the Town of Berlin. It is further the purpose to ensure safe, healthy and habitable housing conditions in rental housing units and to prevent said units from deterioration and to encourage responsible management, maintenance and use of rental housing units through landlord licensing, rental registration and inspections.

**B. Definitions.**

*Rental Housing Unit.* Any space in any building within the Town limits of Berlin which, for a consideration, is made available by any person to another person for dwelling purposes.

*Building Official.* The individual appointed by the Mayor and Council to administer and interpret the applicable regulations for housing and property maintenance.

*Housing Board of Review.* The body, appointed by the Mayor and Council, established in Chapter 60-12, to whom appeals of this section of Code shall be made.

**C. Licensing.** Any person renting for the purpose of habitation any rental housing unit shall obtain a Rental License from the Town of Berlin. Application form for said license shall be provided by the Town of Berlin. The holder of the license shall have a principal interest in the Rental Housing Unit(s) for which the license application is made. The Town shall obtain appropriate contact information from the applicant, including name, phone number and emergency contact information. The application shall include a consent to inspection during reasonable hours for the term of the license. Licenses shall be issued for a term of one year and may be renewable for additional one-year terms. Licenses shall be non-transferrable. Fee for said license shall be established by the Mayor and Council and may be amended from time to time.

**D. Registration.** For every rental license issued registry of all rental properties shall be maintained by the Town. Said registry shall include the address of each Rental Housing Unit and the approximate number of residents for each Unit.

**E. Inspections.** An inspection of the property(s) for which application has been made may be conducted prior to the issuance of a Rental License. All Rental Housing Units shall be subject to the International Property Maintenance Code as described in Chapter 80 of the Berlin Code.

1. The Building Official may require the inspection of a rental Housing unit when there is evidence that a property is not in compliance with housing and property maintenance standards as established in the Town Code.



2. If an inspection indicates that a rental housing unit is not in compliance with all applicable regulations and codes, the rental license pertaining to that particular unit may be subject to revocation. A rental license may be revoked if the licensee fails to correct the code violations within 30 days as specified by the Building Official. The revocation of a rental license shall be in addition to and not in substitution for other penalties and fines as may be provided for in other laws or ordinances.
3. A tenant's consent to entry for inspection shall be required as a term in every lease.
4. Refusal to permit entry for inspection purposes shall be grounds for revocation of the license.

**F. Compliance Required.** Owners of rental housing units are required to obtain a license to operate said rental unit. Any owner of a residential rental property who allows occupancy of a rental housing unit without first obtaining a license from the Town may be subject to a fine of up to \$100.00 for an initial violation and \$200.00 per day for repeat or continuing violations. Each day the violation exists may be considered a new violation. The Building Official, when made aware of an unlicensed rental unit, shall inform the owner, in writing, of the license requirement. Failure of the owner to apply for a rental license within ten (10) business days shall be considered a violation of this section and cause the owner to be subject to the fine stated above.

In order to prevent unsafe, unsanitary, substandard or non-compliant rental housing, the Town shall have the authority to seek an injunction from the Worcester County Circuit Court against any owner of a rental housing unit to prevent continued operation of an unlicensed or non-compliant rental housing unit.

**G. Appeals.** Any person aggrieved by the action of the Building Official may, within ten days of receipt of written notice of such action, appeal such action to the Berlin Housing Board of Review by filing a Notice of Appeal to the Building Official. The Board shall meet within thirty (30) days of such notice and conduct a hearing according to its regulations as established in the Town Code. All fines, penalties, suspensions or revocations shall be stayed pending the Board of Review hearing and the decision of the Board.

Any person aggrieved by an action of the Housing Board of Review may appeal such action to the Circuit Court for Worcester County pursuant to the Maryland Rules of Procedure.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Adopted and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Vice-President

Approved and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the Mayor of the Town of Berlin.

\_\_\_\_\_  
Wm. Gee Williams III, Mayor

\_\_\_\_\_  
ATTEST: Anthony J. Carson, Jr., Town Administrator



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811  
Phone 410-641-2770 Fax 410-641-2316  
www.berlinmd.gov



## APPLICATION FOR RENTAL LICENSE

DATE: \_\_\_\_\_ OWNER OF PROPERTY: \_\_\_\_\_

PROPERTY OWNER ADDRESS: \_\_\_\_\_

PROPERTY OWNER PHONE NUMBER(S) \_\_\_\_\_

ADDRESS OF RENTAL UNIT: \_\_\_\_\_ UNIT: \_\_\_\_\_

NAME OF PRIMARY CONTACT PERSON: \_\_\_\_\_

CONTACT PERSON ADDRESS: \_\_\_\_\_

CONTACT PERSON PHONE NUMBER(S) \_\_\_\_\_

BY SIGNING BELOW I ACKNOWLEDGE, AS OWNER OR AGENT FOR THE ABOVE REFERENCED PROPERTY, THAT I AM AWARE OF THE TOWN OF BERLIN'S AUTHORITY, PURSUANT TO CHAPTER 39 OF THE TOWN CODE, TO INSPECT DURING REASONABLE HOURS AND WITH DUE NOTICE THE PROPERTY FOR WHICH THIS LICENSE IS ISSUED. FURTHER, MY SIGNATURE BELOW PROVIDES CONSENT FOR THE TOWN TO ENTER THE SUBJECT PROPERTY FOR THE PURPOSE OF INSPECTION WHEN THERE IS EVIDENCE THAT A VIOLATION OF TOWN CODE EXISTS ON THE PROPERTY. I ALSO ACKNOWLEDGE THAT ANY TENANT, LEASOR, RENTER OR OTHER OCCUPANT OF THE SUBJECT PROPERTY SHALL AGREE TO SUCH AN INSPECTION FOR THE PURPOSE OF ENSURING ADEQUATE PROPERTY MAINTENANCE STANDARDS AS ADOPTED BY THE TOWN OF BERLIN.

SIGNATURE OF OWNER/APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

ANNUAL FEE FOR RENTAL LICENSE PER UNIT: \$10.00

### FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: \_\_\_\_\_ DATE LICENSE ISSUED: \_\_\_\_\_ DATE PAID: \_\_\_\_\_

### COMPLIANCE REVIEW:

GENERAL COMPLIANCE WITH APPLICABLE ZONING AND HOUSING CODES:

\_\_\_\_\_  
Initials Date

NO OUTSTANDING FINANCIAL OBLIGATIONS TO THE TOWN:

\_\_\_\_\_  
Initials Date

FEE PAID: \_\_\_\_\_ CASH: \_\_\_\_\_ CHECK #: \_\_\_\_\_

ORDINANCE 2011-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF  
BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING  
CHAPTER 99, VEHICLES,

WHEREAS, the Mayor and Council have determined that Chapter 99 of the Town Code should comport with the adopted regulation set forth in Section 302.8 of the International Property Maintenance Code, and

WHEREAS, the Mayor and Council find that it is in the best interest of the Town to disallow the storage of inoperable automobiles on property not zoned for such storage,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 99 be amended as follows:

ARTICLE II  
Storage on Private Property

§ 99-9. Prohibition.

It shall be unlawful for any person to park or allow to be parked or to store or allow to be stored any vehicle which is dismantled, wrecked, **inoperable** or not bearing current license plates upon property not zoned for such storage within the corporate limits of the Town of Berlin unless such vehicle is stored in an enclosed garage. Any such vehicle is hereby declared a nuisance.

**An inoperable vehicle shall be defined as: A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.**

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Adopted and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Vice-President

Approved and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the Mayor of the Town of Berlin.

\_\_\_\_\_  
Wm. Gee Williams III, Mayor

\_\_\_\_\_  
ATTEST: Anthony J. Carson, Jr., Town Administrator

## **REVIEW OF GRASS/WEED HEIGHT REGULATIONS**

### **Berlin (current):**

10 inch maximum height, 7 days notice.

Town Staff abates the violation after 7 days and charges the property owner based on actual man-hours.

### **Ocean City:**

9 inch maximum height, 7 days notice. Notice includes costs incurred if the Town corrects the problem.

Town abates violation after 7 days and bills the owner.

### **Pocomoke:**

10 inch maximum height, 7 days notice.

Town abates violation after 7 days and bills the owner.

### **Snow Hill:**

10 inch maximum, 5 days notice.

Town abates the violation at the owner's expense AND can fine the owner \$25 for the first violation, \$50 for the second violation and \$400 for the third and subsequent violation in any 12-month period.

### **Easton:**

10 inch maximum, 5 days notice.

Town abates the violation at the owner's expense after 5 days.

### **Cambridge:**

6 inch maximum.

"Due notice" is required in their Code and apparently allows flexibility in establishing deadlines.

Town charges \$100/man-hour to abate the violation AND \$100 for first offense and \$200 for second and subsequent offenses in any 12-month period.

### **Denton:**

6 inch maximum. No clear reference for number of days of notice. Perhaps "due notice" is used.

Town may abate the violation after due notice at the owner's expense AND assess fines of \$100 for the initial violation, \$200 for second violation. Denton's Code further allows fines up to \$1000/violation if a property owner has more than four violations in any 12-month period.

### **Mayor and Council may consider amending the Property Maintenance Code to:**

- Decrease the maximum allowable height of grass and weeds to be 6 (six) inches.
- Decrease the days of notification to 5 (five) days from the date on the written notice.
- Assess fines in addition to the invoices submitted by the Public Works Department when Town abates the violation.
- Significantly increase fines for repeat violations on the same property in any 12-month period.

## **TOWN ADMINISTRATOR'S REPORT**

**8-22-11**

### **Purchase Orders**

PO# 201200334 in the amount of \$12,000.00 to Digital-Ally for 4 Digital Video Mirror Kits for Police department.

PO# 201200454 in the amount of \$11,720.00 to National Transformer Sales for transformers for Cottages of Berlin. To be paid for the Cottages of Berlin Developer.

PO# 201200460 in the amount of \$2,192.00 to National Transformer Sales for 1 Transformer for Tripoli Street. To be submitted for bid bond proceeds.

PO#201200267 in the amount of \$1,506.20 to Wesco for fuses for substation. Emergency purchase.

PO# 201200458 in the amount of \$1,724.38 to PepUp for delivery and diesel fuel for generators for Water Resources.

PO# 201200486 in the amount of \$1,660.00 to D&S Quality Paving for asphalt patching at the Post Office parking lot.

PO# 201200487 in the amount of \$57,600.00 to Wesco Receivables for 3 circuit breakers for Savage substation. Will be submitted for bid bond proceeds and insurance.

PO# 201200434 in the amount of \$12,000.00 to Schweitzer Engineering Laboratories for 3 protection relays for Savage substation . Will be submitted for bid bond proceeds and insurance.

PO# 201200282 in the amount of \$2,000.00 to Worcester County Department of Tourism for matching grant funds for Coastal Media.

PO# 201200508 in the amount of \$1,470.22 to Rathell Farm Equipment for replacement parts for Alamo mower.

### **Updates**